

PHILIP FEINTUCH, 222951965
 FEINTUCH, PORWICH & FEINTUCH
 721 Newark Avenue
 Jersey City, New Jersey 07306
 (201) 656-8600
 Attorneys for Plaintiff

EDWARD DUNBAR

Plaintiff

vs.

JERSEY CITY BOARD OF EDUCATION :
 a/k/a/ JERSEY CITY PUBLIC SCHOOLS :
 and DONALD CICCHETTI :

Defendant.

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 :SUPERIOR COURT OF NEW JERSEY
 :HUDSON COUNTY: LAW DIVISION
 :
 :DOCKET NO.

CIVIL ACTION

AMENDED COMPLAINT

Plaintiff, EDWARD DUNBAR, residing at 5 Madison Avenue, Fanwood, New Jersey by
 way of complaint against the defendants, JERSEY CITY BOARD OF EDUCATION a/k/a
 JERSEY CITY PUBLIC SCHOOLS and DONALD CICCHETTI, says:

This Complaint is filed pursuant to the New Jersey Law Against Discrimination N.J.S.A.
 10-5-1, NJLAD and 42 USCS 2000E of the United States Code

FIRST COUNT

1. At all times relevant hereto the defendant JERSEY CITY BOARD OF EDUCATION (Board) was and is a public school system empowered and formed pursuant to Title 18 of New Jersey Statutes and other statutes relevant thereto as well as the Constitution of the State of New Jersey.
2. At the time relevant hereto plaintiff, EDWARD DUNBAR, a man of color was an employee of the Board as a painter.
3. Plaintiff has been employed by the Board in various non-certificated capacities since he began his career with the Board in January 1997.
4. At the time relevant hereto defendant a Caucasian was employed by the Board as a custodian.
5. On or about February 21, 2017, plaintiff was attending to his duties with his assigned painting crew at Public School #15.
4. The crew was discussing the manner in which to paint a wall at the school.
5. While discussing same, defendant DONALD CICCHETTI , who had no part to play in the painting of the wall had apparently overheard the discussion. He volunteered his opinion that if the rollers, which the painters were discussing, did not have enough nap surface to be effective, “the should use plaintiffs “nappy” hair.
6. The painting crew consisted of two men of color and two Caucasians.
7. Upon information and belief defendant, DONALD CICCHETTI , has previously harassed

and otherwise was guilty of insulting and discriminatory comments made to other employees of the defendant Board of which was known to the administration of the Board.

8. Upon information and belief the defendant Board took no action to curb these unlawful actions of defendant, DONALD CICCHETTI.
9. The incident of February 21, 2017 was reported to the administration of the Board by way of an Affirmative Action Complaint.
10. Following an investigation by the Board, plaintiff was advised that the administration found CICCHETTI guilty of creating a hostile work environment for actions prior to the complaint of plaintiff as well as his complaint.
11. Plaintiff is unaware of what action, if any, the Board took as a consequence of defendant's having been found guilty of creating a hostile work environment.
12. Following the incident of February 21, 2017, plaintiff would often be assigned to a site where defendant, CICCHETTI, was also assigned. In order to avoid any confrontation or having to be confronted by other discriminatory utterances of defendant, CICCHETTI, plaintiff was caused to alter his assigned duties, to his detriment, and suffer possible penalties for not attending to his assigned duties.
13. As a consequence of the incident of February 21, 2017 plaintiff suffered embarrassment, humiliation, emotional distress, was demoralized and suffered the fear of another confrontation by the defendant.
14. Plaintiff further claims that the Board is guilty of a reckless disregard for the well being of one of their employees.

Wherefore, plaintiff demands judgment in his favor and against the defendants, jointly and severally, or in the alternative for damages, costs of suit and attorney's fees.

SECOND COUNT

15. Plaintiff repeats and reiterates the contents of the First Count as if fully set forth herein.
16. Plaintiff seeks punitive damages against the parties as a consequence of their egregious conduct of the parties and the willful indifference of the Board.

Wherefore, plaintiff demands punitive damages in his favor and against the defendants, jointly and severally, or in the alternative.

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FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff

By: 

PHILIP FEINTUCH

CERTIFICATION

I certify, pursuant to R. 4:5-1, that the matter in controversy herein is not the subject matter of any other pending court or arbitration proceeding and that no other action or arbitration proceeding is contemplated. I further certify, to the best of my knowledge, there is no other party who should be joined in this action.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff


By: 

PHILIP FEINTUCH

JURY DEMAND

Plaintiff demands trial by jury as to all issues so triable.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff

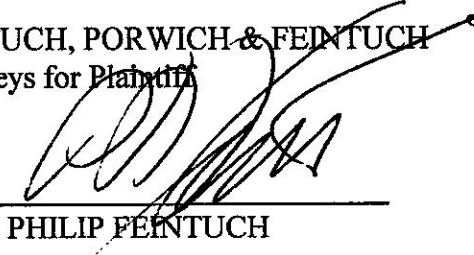
By: 
PHILIP FEINTUCH

Dated: 11/20/18

CERTIFICATION

I certify that this matter is not the subject of any other action pending in any Court or a pending arbitration proceeding, nor is any other action or arbitration contemplated. All parties known to the Plaintiff who should have been joined in this action have been joined.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff

By: 
PHILIP FEINTUCH

DATED: 11/20/18